

CABINET MEETING – 4 December 2013

EXECUTIVE SUMMARY SHEET – PART I

Title of Report:

A NEW AGREEMENT WITH THE TRAFFIC PENALTY TRIBUNAL JOINT COMMITTEE

Author(s):

Deputy Chief Executive

Purpose of Report:

To inform Cabinet of the requirement to enter into a new agreement with the Traffic Penalty Tribunal Joint Committee under the powers associated with The Traffic Management Act 2004 and agree the summary of proposed changes to the existing Joint Committee Arrangements.

Description of Decision:

Cabinet is recommended to;

- i) Agree that the Council enters a new agreement with the Traffic Penalty Tribunal Joint Committee
- ii) Agree to the proposed changes to the existing Joint Committee arrangements
- iii) Note the continued nomination by the Leader of the City Services Portfolio Holder, Cllr J. Blackburn and Cllr R. Bell (Substitute) to the Joint Committee

Is the decision consistent with the Budget/Policy Framework? Yes

If not, Council approval is required to change the Budget/Policy Framework

Suggested reason(s) for Decision:

The reason for the decision is to ensure continuation of the Adjudication Service that allows motorists who wish to appeal to an independent body against the issue of a Penalty Charge Notice the opportunity to do so.

Alternative options to be considered and recommended to be rejected:

There are no alternative options recommended as any council operating civil parking enforcement needs access to the adjudication service through membership.

Impacts analysed;

Equality Privacy Sustainability Crime and Disorder

Is this a “Key Decision” as defined in the Constitution? No

Is it included in the 28 day Notice of Decisions? No

Scrutiny Committee

A NEW AGREEMENT WITH THE TRAFFIC PENALTY TRIBUNAL JOINT COMMITTEE

Report of Deputy Chief Executive and the Head of Law and Governance

1. Purpose of the Report

To inform Cabinet of the requirement to enter into a new agreement with the Traffic Penalty Tribunal Joint Committee under the powers associated with The Traffic Management Act 2004 and agree the summary of proposed changes to the existing Joint Committee Arrangements.

2. Description of Decision (Recommendations)

Cabinet is recommended to;

- (1) Agree that the Council enters a new agreement with the Traffic Penalty Tribunal Joint Committee
- (2) Agree to the proposed changes to the existing Joint Committee arrangements
- (3) Note the continued nomination by the Leader of the City Services Portfolio Holder, Cllr J. Blackburn and Cllr R. Bell (Substitute) to the Joint Committee

3.0 Background

- 3.1 Decriminalised parking was introduced in Sunderland in February 2003. Any Council operating civil parking enforcement needs access to the independent Adjudication Service to support these new powers. Therefore, the Council was required to enter into an agreement with the Traffic Penalty Tribunal Joint Committee (known as PATROLAJC). An elected Member represents the Council at PATROLAJC meetings with a nominated substitute Member. These arrangements were agreed by Cabinet on 6th November 2002.

4.0 Requirement to Rejoin the Joint Committee

- 4.1 Manchester City Council had been the lead authority for PATROLAJC since its establishment. Cheshire East Council took over the role of lead authority of from 1 April 2013.
- 4.2 The changes to the current deed principally reflect the change in lead authority and do not materially effect the relationship between the City Council and the lead. Notable changes that effect all members are:
 - altering the voting requirements for variation and termination of the joint committee arrangements from requiring agreement of 75% of participating authorities to requiring agreement of a simple majority (i.e. 51%).
 - greater flexibility for the appointment of member representatives outside of the annual meeting cycle.

- giving PATROLAJC the responsibility to appoint, terminate and accept the resignation of the lead authority.

5 Reasons for the Decision

- 5.1 The Council is required to enter into a new agreement, reflecting the recent changes, in order to continue to be represented at PATROLAJC.

6 Alternative Options

- 6.1 There are no alternative options recommended as the Council would not be able to discharge its statutory responsibilities in respect of civil parking enforcement under the Traffic Management Act 2004 without access to the Adjudication Service via the PATROLAJC Agreement.

7. Impact Analysis

7(a) Equalities –Not Applicable.

7(b) Privacy Impact Assessment (PIA) – Not Applicable

7(c) Sustainability – Not Applicable.

7(d) Reduction of Crime and Disorder – Community Cohesion / Social Inclusion - Not Applicable

8 Other Relevant Considerations / Consultations

The additional considerations are as follows:

(a) Financial Implications / Sunderland Way of Working – There are no additional financial implications associated with retaining membership of PATROLAJC.

(b) Risk Analysis - The reason for the decision is to ensure continuation of the Adjudication Service Without this agreement in place an appeal process could not be operated.

(c) Employee Implications – Not Applicable

(d) Legal Implications – The reason for the decision is to ensure continuation of the Adjudication Service Without this agreement in place an appeal process could not be operated.

(e) Policy Implications – Not Applicable

(f) Health & Safety Considerations – Not Applicable

(g) Property Implications – Not Applicable

(h) Implications for Other Services – Not Applicable

- (i) **The Public** – The reason for the decision is to ensure continuation of the Adjudication Service that allows motorists who wish to appeal to an independent body against the issue of a Penalty Charge Notice the opportunity to do so in accordance with the Traffic Management Act 2004 Without this agreement in place a motorist would not be able to follow the appeals process.
- (j) **Compatibility with European Convention on Human Rights** – Not Applicable
- (k) **Project Management Methodology** – Not Applicable
- (l) **Children's Services** – Not Applicable
- (m) **Procurement** – Not Applicable

10. **Background Papers**

Cabinet Report Dated 6th November 2002
Cabinet Report Dated 16th April 2008
Summary of Changes from Patrol

